

Franelo

"It's Your Right"

Transforming Society. Securing Rights. Restoring Dignity

The South African Human Rights Commission Newsletter



Volume 37

01 - 30 September 2015

Illegal mining on the rise



Safety in farming not adequate



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SAHRC welcomes conviction of former police officers in Mido Macia case

Heritage Day

Heritage Day is one of the newly created South African public holidays. It is a day in which all are encouraged to celebrate their cultural traditions in the wider context of the great diversity of cultures, beliefs, and traditions that make up the nation of South Africa.

In KwaZulu-Natal, the 24th of September was formerly known as Shaka Day, in commemoration of the legendary Zulu king, King Shaka Zulu. When the proposed Public Holidays Bill before the New South African Parliament omitted Shaka Day, Inkatha Freedom Party (IFP), a South African political party with a large Zulu membership, objected to the bill. A compromise was reached when it was decided to create a day where all South Africans could observe and celebrate their diverse cultural heritage.

In an address marking Heritage Day in 1996, former President Nelson Mandela stated:

“When our first democratically-elected government decided to make Heritage Day one of our national days, we did so because we knew that our rich and varied cultural heritage has a profound power to help build our new nation.” Source: Sahistory.org

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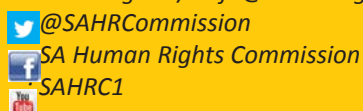
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The month of September is designated **Heritage Month** in the calendar of international commemorative dates. As we start the month, I would like to wish all our staff a Happy Heritage Month.

All staff are encouraged to embrace the vibrant multicultural, multilingual and multiracial tapestry that will be celebrated on Heritage Day by engaging in their own cultural traditions but, also, taking the opportunity to learn and appreciate aspects of the culture and traditions of others.

As a relatively young democracy, social cohesion and nation-building are important and necessary projects that require the fullest participation of all people living in South Africa to succeed. As a human rights institution, this project must begin with us.

Let the month of September be to us, as a human rights family, one in which we commit to interacting with each other in a manner that characterises mutual respect and dignity.

*Best Regards,
Lindiwe Khumalo
Chief Executive Officer of South African Human Rights Commission*

Events calendar

- * Global Child Forum, 08 September 2015
- * Western Cape: Beaufort-West, Beaufort West Local Municipality, 7-9 September 2015
- * Commissioner Ameerma Free State visit, 14 - 18 September 2015
- * Commissioner Malatji visit to Leeudoringsstad School for the Deaf, North wes, Tuesday 15 September 2015
- * North West: Stakeholder engagement on Hate Crime, Ventersdorp, 28 September 2015

Position paper: Racism in institutions of higher learning



Position paper on racism in institutions of higher learning

What is racism?

Racism is the belief by one group of persons that their characteristics, abilities or colour make them superior to others.

What is transformation?

When we look at issues of transformation, we are looking at ways in which we can make South African society more equal. We look at how we can create social cohesion amongst people of different colours. We look at how we can make South Africa a rainbow country.

How do we achieve transformation?

There are a number of ways. Some of the ways that the SAHRC helps with the transformation agenda is through:

- a) Advocacy – which is creating awareness amongst people, in institutions and government about human rights;

- b) Investigations – identifying where the pockets of racism are in our society and trying to assist government to reverse these through policies, programmes and laws.

- c) Research – helping government to understand the causes of racism and slow rates of transformation and recommending what action can be taken (e.g. changing the laws, introducing regulations etc).

Why is racism an issue in South Africa?

South Africa emerges out of a period of apartheid. This system introduced the idea into the national psyche that people of white skin colour are superior to those with darker skins (black, coloured and indian). These attitudes are deeply engrained in society and it will take a long time, and hard work to deal with this challenge completely.

Why is racism a human rights issue?

Racism is a human rights issue because it runs contrary to the principle of equality of human beings. Natural law says that all human beings are born equal and have the right to be treated with dignity and equality. All human rights bodies globally, such as the United Nations (UN) and the African Union (AU) agree that racism is a violation of human rights.

Is racism still an issue in South Africa today?

Many studies say that racism is still a problem in our society. From the statistics of the SAHRC, for 2013/14 for example, we know that equality complaints from the public account for about 11% of our total complaints. This is a very high percentage compared to other types of

complaints.

What is the role of the South African Human Rights Commission in addressing racism?

The Commission can intervene in 3 ways:

- a) The Commission has the duty in terms of the Constitution to investigate cases of racism and take steps against individuals who carry out such acts.

- b) The Commission may also take cases of racism and hate speech to the Equality Court.

- c) The Commission may also try and resolve these cases through mediation if the parties agree and the offender is willing to apologise and make amends.

Has the Commission encountered cases of racism in the past?

Yes, The Commission has 9 provincial offices in each province of the country. These offices receive complaints from members of the public, organisations and political parties that relate to racism. The Commission has been investigating such cases over the past 20 years since it was first established.

Are there any specific cases that the Commission has dealt with?

Yes, in 2001 the Commission received a complaint relating to initiation practices in institutions of higher learning. The complaint was that students on University campuses were engaging in games, language and acts that undermine the dignity, race, culture and language of students from other races. A report was issued with recommenda-

The Commission is currently investigating this matter (racism) and should be concluding its report in a few month's time.

tions.

Since then, have there been other incidents in institutions of higher learning?

Yes, in 2008 the Commission was also involved with the investigation of a complaint of initiation practices at the University of the Free State. (Commonly known as the Reitz 4 Workers). This matter was resolved through the facilitation of the Commission. The UFS is now engaging in extensive transformation of the University to try and overcome these practices amongst students (through training workshops, changes to curriculum, and improving their regulations).

In 2014, we received a complaint that there had been initiation practices at the University of Potchefstroom that led to the death of a student. This matter is still being investigated and has not been confirmed.

In the same year, there was a complaint of racism amongst students

at the University of Pretoria. This matter was resolved amicably through mediation by the Commission. The university dealt with this matter speedily and effectively.

Has the practice of initiation in higher institutions been addressed? No. Just last year the Commission received a complaint from the Higher Education Transformation Network who asked the Commission to investigate the extent of transformation in universities across the country. They felt that racial transformation is not taking place fast enough and that racism takes place in a number of ways:

- a) Some universities are not employing or producing enough black professors;
- b) Some universities use language to discriminate against black people – different classes for Afrikaans speaking students, and others for English-speaking;
- c) Some universities fee structure and bursary policies do not allow the majority of black students to enrol and get university degrees.
- d) Some universities have special campuses and residential houses for blacks and for whites, separately.
- e) Etc, etc.

The Commission is currently investigating this matter and should be concluding its report in a few month's time. The panel has received submissions from a sample of Universities (UJ, Wits, Pretoria, Potch, Cape Town, UKZN etc); and from SRC bodies and from the Department of Higher Education.

This Hearing is chaired by our Chairperson Lawrence Mushwana and Commissioner Lindiwe Mokate. An Advocate of the Johannesburg Bar Association is assisting with leading evidence.

Why do you think we have the problem of racism and lack/slow transformation in universities?

Generally speaking, students, lecturers and administrators in Universities come from families and communities. Very often people bring the social values that people learn in their families and communities into the University. It will take time and lots of advocacy for these attitudes to change.

South African universities remain largely untransformed, with racist attacks against black students on the rise.

This is the reality according to the South African Human Rights Commission (SAHRC), which on Thursday launched a two-day hearing on the state of transformation at universities.

“The [commission] remains deeply concerned about the lack of transformation taking place in South African society 20 years into its

democratic dispensation. Even more concerning is the lack of transformation, and a spike in racist incidents, at institutions of higher learning,” commission spokesman Isaac Mangena said in a statement yesterday, on the first day of the hearing in Johannesburg.

Commissioner Lindiwe Mokate said that black students were large-

ly the victims of racial incidents, with an increase in them being called k*****s.

The “k-word” has featured in a number of racist complaints the commission received between April 2013 and February this year, making up 45% of the 529 equality complaints it received in that period. *Source: Timeslive*

Classify SA farmers as a vulnerable group: SAHRC

The South African Human Rights Commission (SAHRC) on 20 August 2015 released a report on “farm attacks”, which found that it may have become necessary to classify the country’s farming community as a vulnerable group.

The SAHRC also said that the South African Police Services and the National Prosecuting Authority needed to “step up their involvement in combating crime against farming communities”.

“The criminal justice system in our country does not seem to provide any deterrent,” wrote SAHRC commissioner Danny Titus.

The SAHRC conducted hearings into farm attacks on September 15 and 16 and on October 6. Farm owners, farm workers, farming representative bodies, political parties, the SAPS, government, unions and others were given the opportunity to testify.

In his foreword, Titus, said the SAHRC had been involved in the matter of farm safety on two previous occasions. “However, it became clear that this phenomenon is still continuing unabated where farmers, farm workers and community life on farms are crudely disrupted by murders and attacks.

“When we observe the brutality of the killings on farms then it is clear that there is no respect for the life of individuals, that the right to life means very little, and that the perpetrators are operating with impunity.

“When we observe the value of agriculture in our social and economic environment then the killings and



Report on Safety and Security in Farming has raised critical human rights shortfalls in the sector.

attacks on farms do not recognise or acknowledge the crucial role of agriculture to our country.

“Instead evidence presented indicates how farms are perceived as soft targets where easy money can be obtained with relative ease.

“South African society needs to turn this untenable situation around, not only on farms but in society in general,” he wrote.

The commission said that it recognised that the issues affecting safety and security in farming communities were broad and needed constant evaluations.

“The main recommendations stemming from the hearing focused on a need for a holistic solution to safety and security in farming communities,” the report says.

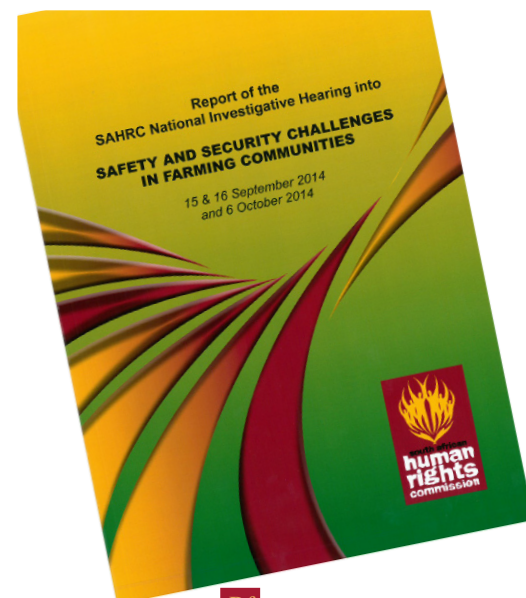
It also found that “particular attention is given to race relations in farming communities”, and asked that the “stereotypes on farming in

South Africa be addressed”.

Particular attention also needed to be given to race relations on farms.

The report called for the creation of an Agricultural Forum to provide the farming community with a platform to discuss how to better police their land. Easier access to farms by government services was also needed.

Source: Timeslive



Safety on farms equals food security - Titus



Commissioner Danny Titus: Human Rights and Law Enforcement, Prevention of Torture

At a summit on rural safety and security in 1998 our former president Mandela was quite clear when he referred to the immediate human suffering, the lack of security and stability in our rural and farming community. He referred to the serious disruption to our economy, the threat of reduced growth and production, loss of wages and profits, and in time unemployment. He was referring to the attacks and killings on farms. He continued to state that “the government deplores the cold blooded killings that have been taking place on farms,” and that “killings on farms, and crimes in general, have been a feature of South African life for many decades.”

This openness from government to acknowledge the reality of farm killings has not been forthcoming with such clarity since Mr. Mandela. The link that he made between the immediate human suffering and the disruption to our economy also requires more emphasis. Farms and agriculture in general are integrally linked to our South African economy. We need to take joint ownership for what is happening on farms. The attacks and murders of food producers just cannot be condoned.

The South African Human Rights Commission has been focusing



Pic: Daily Telegraph

on farm safety in two previous investigations. However, the current prevalence of attacks and murders on farms has prompted the Commission to raise the investigation to the level of a public hearing. Different roleplayers came to testify, ranging from victims, farm owners, workers, experts, government departments such as the South African Police Service, the Department of Justice and Correctional Services, and others. Notably, the Commission heard from a victim of an instance of violence on farms. She described how she had watched her husband be killed when he was on his knees and had been overpowered. She described the lack of an effective investigation and how she was uninformed about the processes in the court. Additionally, the Commission heard from experts in the field of criminal violence and policing. The experts testified that South Africa is violent in general, and that violence in farms, and particularly ‘farm attacks and/or murders’ should not be viewed to be a racist attack. The Commission heard repeatedly that violence on farms affects all those who live on

the farm, and farm owners of all races.

The Commission found that the two fundamental human rights that are continually violated in this regard are the right to life and the right to food. The Constitution is our supreme document when it comes to our fundamental rights. While human rights in our country are violated much more than it is respected it is appalling to see how the right to life in particular is violated on a daily basis in our country. There are just so many causes of death that can be prevented. The Commission wishes to urge to South Africans to value life, to respect and promote the right to life. There are arguments that within the broad spectrum of crime, that crime on farms are not so prevalent. We beg to differ. Any man’s death diminishes me, said John Donne many, many years ago. When it comes to the farming community that are our food producers it is even more true. This is where the right to food and the right to life are demonstrably close to each other. Thou shalt not kill, and thou shalt not kill the producers of thine

Continues to next page

It is the view of the Commission that the recommendations should be implemented without delay

food. The Commission recommends a stronger focus on the safety on farms and rural communities. The Commission also recommends that stakeholders strengthen their resolve at local and national level to rid our society of this scourge

both in terms of preventing it and more so within the criminal justice system that has been found wanting in many areas.

The report was formally released on the 20th of August 2015. The Report outlines the processes of the hearing, the submissions made,

and analysis of the findings and recommendations. It is the view of the Commission that the recommendations should be implemented without delay. The implementation of the recommendations will ensure that the rights of all those who live in farming communities are respected and upheld. **Pf**

Farm attacks: SAHRC recommendations welcome - Agri SA

Mr Kobus Breytenbach; Chair of Agri SA's Rural Safety Committee

The most abhorrent element of the culture of violence in rural farming areas is the unnecessary loss of life, which the agricultural community has not escaped from in the recent past. It is deplorable that incidents of brutality and violence against farming communities persist. Agri SA is deeply concerned about the human suffering this causes for those who depend on agriculture. It is against this backdrop that the Human Rights Commission (HRC) has released its report on safety and security challenges in farming communities

Farming communities are vulnerable to violence due to their isolation and lack of access to effective and timeous service delivery, particularly relating to safety and security. The HRC is concerned about the realisation of human rights in farming communities, including the right to safety and security, and the apparent lack thereof was a significant consideration in hosting the hearings in October 2014.

The Commission established that crime and criminality is the major cause of violence against farming community's and farm owners in



particular. In its report, the Commission recognises Agri SA for its submission: The information provided has assisted the panel significantly in informing recommendations, particularly in relation to how the lack of safety and security in farming community's impacts on other issues pertaining to human rights. In its submission, Agri SA high-

lighted the negative effects and economic costs of rural crime and the impact it can have on food security in the country. Stock theft, which has a negative impact on the profitability of commercial livestock farmers and in particular emerging farmers, was highlighted.

Source: Politicsweb



What they said on twitter

- Annaliza @annaliziaa_rsa 15 Jul 2014: @ChangeAgentSA @Abramjee stop farm murders.first step is for government to admit the issue and protect farmers.

- Jak Trump favorited a Tweet you were mentioned in. Aug 20: @SAHRCCommission : I wish we had a more positive message. I wish we could stop the murders on farms. We want to try and stop it @eNuus

SAHRC study: 30,000 involved in illegal mining over 10 years

JOHANNESBURG - The South African Human Rights Commission (SAHRC) says a study of illegal mining has revealed that up to 30,000 people were involved in the practice for 10 years and it's increasing and becoming more complex.

The commission says it's also uncovered the flouting of regulations by companies that don't follow proper procedures.

The commission says it can confirm that illegal mining now takes place in seven provinces.

The Human Rights Commission received submissions from the Chamber of Mines, police, the Sand Producers Association and several government departments.

It also visited several areas where illegal mining is taking place and Commissioner Janet Love says the practice is widespread.

"In our engagement with people from the chamber it's not been indicated that it's likely to go down."

Love says illegal mining has serious implications for the communities where it happens.

"Children appear, on certain occasions, to not only be affected by the environmental health considerations but also to work."

The Chamber of Mines says a 2013 estimate placed the revenue collected from illegal mining at R5 billion.

Meanwhile, the SAHRC has



Illegal mining causes danger to environment

warned that placing ageing and unprofitable mine shafts under maintenance and care makes them vulnerable to illegal mining.

It says this practice is increasing because retrenched workers aren't given access to skills development.

In Gauteng police say at least 400 incidents of illegal mining violence were reported between 2013 and last year.

SAHRC study: 30,000 involved in illegal mining over 10 years

The commission says it can confirm illegal mining takes place in seven provinces. The commission's mining consultant Dr Koos Pretorius says most of the foreign nationals who were recruited into the SA mining industry end up becoming zama-zamas (an illegal miner).

"A person recruited from Mozam-

bique to come and work here, once he gets laid off, the compensation fund is not applicable to that person. So that person either goes back to Mozambique or he stays here hoping to find better employment, better life conditions and ends up being zama-zama."

The commission heard that the recruitment process in large scale mining operations very consciously recruits a percentage of miners from neighbouring countries, particularly where there are people with experience in underground mining.

According to the SAHRC study, Gauteng is the most affected province, followed by Free State and then Mpumalanga.

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In Gauteng alone, 221 holes and open shafts have been identified.

As opposed to underground illegal mining activities, surface illegal mining has more to do with turf war amongst factions of zama-zamas, which in most cases, results in violence and killings.

Limpopo and North-West's illegal mining has a propensity for theft of mine infrastructure such as theft of copper wire and cables.

The commission says there is now the involvement of crime and big business criminal syndicates with regards to illegal mining.

In Gauteng alone, 221 holes and open shafts have been identified, with the government being able to close between 130 and 150 of those so far.

Closing of these holes and open shafts involves sealing them with concrete slabs, covering them with rubble, and pumping concrete down the hole.

But it showed illegal miners will still find another hole to enter.

The illegally mined gold is exported to, among others, Britain, China and Japan through a system known as the "hawala system".

Source: EWN

South Africa's modern-day gold rush



*Commissioner Janet Love:
Environment, Natural Resources
& Rural Development*



*Co-author, Angela Kariuki -
Research Associate to Commis-
sioner Love*

eGoli! The "Place of Gold", the popular nickname adopted for Johannesburg in its formative years, is the economic hub of the country and the continent, generating a large percentage of South Africa's GDP. The province in which it falls, Gauteng, is responsible for at least a quarter of the country's total mineral production – the bulk of this being gold. Johannesburg, which was once made up farming veld, owes its current success as a thriving cosmopolitan city, despite not being situated along any water resource or coastline, to the discovery of gold in the 19th century and the subsequent gold rush.

Several decades of large scale mining later, Johannesburg is still known as the Place of Gold, the glittering city to which millions have

migrated in the hope of improving their livelihoods. Gold mining in Johannesburg has since slowed down, for a variety of reasons, with many mines closing their gates, declaring the sites as no longer profitable to continue operations.

The Johannesburg cityscape is the evidence of this historic gold production and trade: dotted with tailings and mine dumps, yellowish hills and mountains of waste gold bearing ore. These silent testimonies are a reminder both of the power that gold production had on Johannesburg and its environs during the apartheid era and the residual impact that it continues to have. They underscore the power wielded by those who controlled its production and trade, and the stresses that legacy of its dust has left on surrounding communities. eGoli, the epicentre of trade and commercial growth, is today a city of stark inequalities with mining host communities left to fend for themselves in difficult socio-economic and environmental conditions, a mining industry that is seemingly insulated from many of governance structures, and mineral wealth that has failed to enable the miners who toiled underground to advance and live better lives.

In a Business Day article, dated 6 August 2015, an affirmation that mining remains South Africa's biggest foreign currency earner was made. The article stated that mining accounts for about 18% of gross domestic product and 60% of exports, and employs around 500,000 people. But it is in decline. With the slowdown of the large scale gold mining sector in the last decade, a different and growing mining phenomenon has emerged in the Place

of Gold, and elsewhere in the country – that of unlawful artisanal mining.

Over the last few years, incidents involving unlawful artisanal miners has drawn both national and international attention (and have been reported on widely by media houses). In August 2015, reports across Johannesburg described a stand-off between the police and unlawful artisanal miners at an old mine shaft in Daveyton, East of Johannesburg. In the West Rand, similar activities are happening on a daily basis. Further afield in the mining village of Blyvooruitzicht, the situation has been almost impossible to contain, especially with artisanal miners also fighting amongst themselves. A debate is currently raging across the country in social, environmental, political, and human rights circles over how to manage a burgeoning unlawful mining business in South Africa.

What is “illegal mining”? This type of mining is referred to as ‘unlawful’ partly because it does not take place clearly within the frameworks of existing South African laws. It involves informal miners, known locally as “zama zamas”, who manually extract metals (and in some cases other stones and sand) from old, disused, unsafe, abandoned mines; from operational and semi-operational mines, and from tailings dams and dumps. It occurs not only in Gauteng, but elsewhere across the country. Zama zamas, who often reside in areas that have literally developed atop of and adjacent to closed or abandoned gold mines, operate in treacherous conditions in derelict and crumbling tunnels. They expose themselves and the communities in which they operate to mercury and other poisonous gases in their gold amalgamation and extraction activities. For them, it means being able to



Report on illegal mining alerted the country about human rights challenges experienced as a result of these activities

have a hot meal in the evening. It is then a way to survive on the basis of a hard day's work. They are without any other potential for alternative livelihoods and turn to unlawful mining to eke out a living.

Unlawful mining in South Africa presents both a threat and an untapped opportunity. The government and the SAPS, in collaboration with other bodies and agencies, have tried to clamp down on unlawful miners and eradicate the activity through all levels of the value chain. Their rationale is that unlawful mining constitutes the theft of precious metals and is linked to organised crime. From a human rights perspective, the social, health, and environmental impacts of unlawful artisanal mining activities, have serious consequences particularly for the right to life and the right to security.

The emerging unlawful artisanal mining phenomenon, the “contemporary zama zama gold rush” if you will, has some elements of history repeating itself and it is unlikely that enforcement will succeed to bring it to an end. Unlawful mining, in its current form, is leading to an increased state of environmental degradation in South Africa, with a cost that has yet to be quantified.

South Africa has been witnessing an increase in zama zamas who are now from other countries. Some of these people are miners who were actively recruited from neighbouring countries and have been re-trenched. Little is known about the size and scope of the involvement of foreign nationals in unlawful mining. However, with an already dire socio-economic situation and a history of xenophobia, it is likely that when turf wars break out between local and foreign national zama zamas this will lead to further violence meted against non-South African Africans. There is a poor understanding of the profile of the zama zama. Not all zama zamas are involved in criminal syndicates. Not all host mining communities have the same views around zama zama mining activity. And not all foreign nationals are ‘illegal immigrants’.

The absence of policy and regulation for this type of artisanal mining in South Africa indicates a number of missed opportunities to enable artisanal mining/self-employment activities and to explore how mining in general can be more inclusive of the artisanal sector. There are opportunities to create partnerships between artisanal miners, on the one hand, and large scale

Continues to next page

mining and formal smaller mining operations on the other. This could enable a more comprehensive effort to and remove organised crime and tax evasion. The lack of policy seriously undermines environmental health and local safety.

The task of regulating artisanal gold mining on a country-wide scale is daunting but not impossible. Good practice examples (and lessons) of regulated artisanal mining sectors in other regions including on the continent are documented in the literature, and South Africa would do well to draw from these examples. Collaborative (government, civil society, and international organisations) engagement with and support to these miners and affected communities would go some way to creating awareness and to mitigate negative impacts (such as the dangers associated with using mercury). It could also contribute to the economy through enabling unemployed workers to use their skills and to employ themselves.

There is a growing recognition by those in government and the mining industry that there needs to be a more holistic approach to addressing issues and challenges in relation to unlawful artisanal mining. Without any comprehensive framework for improving the practices of unlawful miners, the current characterisation simply as “illegal”, will have the effect of making such activities more dangerous rather than causing them to disappear. Arresting or deportation will not deter or prevent.

We may not have all the answers and the questions and solutions will differ from one mineral to the next. But we will only progress if we recognise the need to do better, to do things differently, and to embrace and include as many as possible into a working economy.

SAHRC welcomes conviction of former police officers in Mido Macia case

The South African Human Rights Commission (SAHRC) welcomes the conviction of the eight former police officers found guilty of murdering Mozambican national Mido Macia.

This case has caused irreparable harm to the family of Mr. Macia, it has affected our international relations with Mozambique and it cast a long shadow over the honest attempts by the SAPS to rid the service of rogue cops.

While the SAHRC is highly appreciative of the clarity of the judgement particularly regarding the poor version on the part of the accused, the recent incident of police regarding the assault by Douglasdale police officials highlights the longterm nature of this scourge. What is of concern is that the case of Mr. Macia as well as the Douglasdale one are highlighted by the use of pho-

tographic images. We have to ask what is happening where there are no cameras and no shining lights?

It is clear that our democratic policing suffers from the same notion of police forces worldwide, that power is fun and that human rights only enter that terrain with consistent persistence.

The SAHRC started to work with the SAPS on long term plans to eradicate police brutality and to establish a culture of human rights in policing. The commitment by the SAPS to professionalise the police and to operate as an integral part of the new democratic order is appreciated. Managing an organisation of more than 200 000 officials requires all the support South African society can provide.

SAHRC condemns the killing of police

The South African Human Rights Commission (SAHRC) condemns the recent spate of police killings. As many as seven police officers have been killed in the last couple of weeks. The SAHRC wishes to reinforce the constitutional idea that human rights, and in this situation particularly, the right to life and dignity, is for all in South Africa, including police officers.

The SAHRC acknowledges that the Constitution guarantees the fundamental human rights of all citizens. However, this can never exclude our women and men in the police services. They have rights too and it is our duty to ensure that they are protected in the execution of their duties.

The SAHRC condemns the wave of

lawlessness that our country is experiencing at so many levels. Criminal conduct such as these killings must have consequences and perpetrators cannot continue with these crimes with impunity.

The SAHRC acknowledges that policing is a hazardous occupation, but there is no justification that their service to the people of South Africa should lead to their untimely deaths. All of South Africa's inhabitants should respect the South African Police Service (SAPS), especially considering the unpredictable nature of their job.

The SAHRC calls on the SAPS to conduct a full investigation into these brutal crimes, and for our communities to assist the police wherever they can so that those who contravene the law are dealt with swiftly and within the confines of the law.

Imperative need to link the demand for gender-responsive budgeting to critical crises

SAHRC hosted a roundtable discussion on making the Right to Food a reality: The Gendered Impact of the Food System

The South African Human Rights Commission partnered with the United Nations Women, the Office of the High Commissioner for Human Rights (OHCHR) in a roundtable discussion that aimed at analysing the gendered impact of the food system and its impact on women's paid and unpaid work.

The SAHRC realized that there is an imperative need to link the demand for gender-responsive budgeting to critical crises that society is concerned about how government has to address such crisis of gender-based violence, the food crisis and the crisis of unemployment. Such a connection will mobilise the widest possible engagement with the demand for gender-responsive budgeting and a renewed focus on women's rights as human rights.

The roundtable discussion further focused on the Gendered Impact of the Food System focusing on the



Delegates deliberating on steps to be taken to make the right to food a reality

regulatory role of government in respect of business as well as macro-economic choices such as trade and their impact on women's work, bodily integrity, health and lives.

Deputy Chairperson Pregs Govender as the driver of this campaign welcomed and thanked everyone for their attendance and indicated that "we as women can change the food system which can contribute to feeding one in four people that go hungry in this country." She said.

"Women are always vulnerable to many things including the inability

to feed themselves, gender-based violence, women are killed because of their homosexuality and are vulnerable to crime as they do not have manly power to protect themselves." Said Deputy Chairperson.

Mme Selebano as one of the women in attendance identified the problems that they are faced with in terms of planting. "We have small yards which does not allow us to plant in our yards. Rats and insects eats up the planted gardens."

"We also have concerns in terms of the food and water that is provided to our children in schools." She said. One of the participants raised an issue that women in Kwa Zulu Natal cannot be allocated land without a male representative and this situation has been going on for years. If you take this matter to the traditional court you will be told that you are a woman and needs to have a male representative before they can listen to you." She said

Dr Mkhululi Ncube who spoke on behalf of the Financial and Fiscal Commission indicated that under-nutrition in South Africa is one of the biggest problems as 25 percent of South African's are unemployed and most of them depend on the market for food as they do not



Commissioner Mpulwana, CGE Chair; Commissioner Govender, SAHRC Deputy Chair; Dr Ponga, UN Women; Adv Mushwana, SAHRC Chair and Commissioner Ameerma, SAHRC

SAHRC Celebrates Women's Day in style

The South African Human Rights Commission's women recently celebrated women's day in style at the Parktonian Hotel in Braamfontein. The celebration was under the theme "anchor my captain" as colleagues were dressed in sailing regalia.

The programme was directed by the new Head of Advocacy and Communications (Advocomm) Dieketseng Diale who cheered colleagues and encouraged them to be anchors. "Women are the permanent anchors of our society." She said

Tawana Malapane the Library Assistant performed a poem titled "Who am I" originally by Mme Mmatshilo Motsei who was in the forefront of confronting violence in the country.

The SAHRC women engaged on issues affecting women in today's

democracy, more especially about relationships, family, health, life and how women can be able stand together and help each other in times of need. Experts on relationships and health issues were invited on the floor to share advice and tips on health and relationships.

Charlain Bailey who is a Managing Director at Activate Career Talent Consulting as one of the speakers shared her experience in 22 years of marriage and tips on how to build a successful and healthy relationship.

"It takes hard work to build a solid relationship, before getting into the relationship find yourself first then you will find the perfect partner after finding yourself. Your behaviour determines the relationship that you will have. Respect, communication and prayer also leads to a successful and healthy relationship." She said

Tamar Dakes, Reflexologist and yoga instructor indicated and highlighted that more people are on anti-depressants and anti-anxiety meds; there are more heart attacks, more strokes and more people dying of cancer than ever before.

"Just maybe the way we have been doing things for the past 100 years is not working anymore."

"I believe that we have forgotten who we truly. We have become a society that is quick to blame, quick to justify and we believe that because of our hardships and challenges we are now more entitled than ever before". She said



**Wathint' abafazi,
wathint' imbokodo**

Continues to next page

When more hearts are open there will be more wellness, more health...

She further indicated that “the physical body will start to show signs that certain negative emotions or thoughts are not serving us and if we choose not to listen, they will eventually manifest as ill health, disease or even death.”

“There has never been a more urgent time to take responsibility for everything in our lives. It’s time to wake up and be held accountable. It is time to remember that everything, every experience that we have in our lives has emerged through us and from us. When we do this we can start to practice forgiveness and gratitude for our life experiences. Forgiveness and gratitude will create space in the heart, it will open the heart. When more hearts are open there will be more wellness, more health, more balance and more connectedness on earth.” She said

National Women’s Day is a South African public holiday celebrated annually on 9 August. The day commemorates the 1956 march of approximately 20 000 women to the Union Buildings in Pretoria to petition against the country’s pass laws that required South Africans defined as “black” under The Population Registration Act to carry an internal passport, known as a pass, that served to maintain population segregation, control urbanisation, and manage migrant labour during the apartheid era.

Women are the permanent anchors of our society: “Anchor My Captain”



What is an ANCHOR?

Defined: as a device, normally made of metal, used to connect a vessel (ship) to the bed of a body of water to prevent the craft from drifting due to wind or current.

Meaning is – a person or thing which provides stability or confidence in an otherwise uncertain situation.

What is an “ANCHORised” Woman in a workplace?

- Assertive (confidence, positive) – Uphold a good posture and keep eye contact with whomever you’re communicating with; as it shows an overall feeling of confidence both in what you are saying and the person that you truly are.

- Nurturing (help or encourage the development of; care and protect, while growth takes place) – promoting others strengths and providing support to team members

- Courageous (brave, not deterred by nature or pain) lead in introducing innovation and stand by your words

- Helpful (giving or ready to give help) extend a helping hand and reach out to ensure delivery of set targets

- Obedient (complying or willing to comply with an order or request; submissive to another’s authority)

- Respect (a feeling of deep admiration for someone or something elicited by their abilities, qualities, or achievements; due regard for the feelings, wishes, or rights of others authority). It is said that respect is earned and therefore it takes two to tango. Be the first to take someone’s feelings, needs, thoughts, ideas, wishes and preferences into consideration.

Compiled by: Dieketseng Diale

'Who Am I'



Tawana Malapane speaking about challenges that continues to affect women

**.....what happens
when your own
life needs help and
when the shadow's
you speak about are
personal?**

Sunday was South African Woman's Day (9 August 2015), Mmatshilo's name means grinding).... If Mmatshilo Motsei was here with us she would say, Unfortunately for many of us we seem to confuse this day with valentine's day and mother's day. Women's day is not a day of celebration, rather it is a day

That commemorates starlicious of liberation, warriors and revolutionaries who happen to be born female. On 14th August 1969 Mmatshilo spiritual mentor, her aunt, Mother Toloki, received the gift of healing in their family, is the one after whom she takes the

Legacy of healing. Mmatshilo was the woman who was in the forefront of confronting violence in the country. A woman who was in the forefront in terms of developing policies for woman empowerment in the country. In 1995, She was seconded to the office

Of the president to start the process.

Her inbox was always full, she was always called with requests. She was someone always called with this and that.

In 2010 it was epitome of her falling from grace. Her house was auctioned and car repossessed and when everybody was celebrating world cup she had no place to stay. Mmatshilo's producer describes her as being everything from a spiritual healer, writer and poet, gender activist and high flyer.

Her lives mission has been about healing pain in other's and challenging the status quo, In describing Mmatshilo her producer asks the following questions, but what happens when your own life needs help and when the shadow's you speak about are personal?.

After having journeyed in life Mmatshilo says the following, After having travelled all over the world, after having gone to Universities she had to decode everything

that she had been taught, what she had been taught no longer served her. She had to go away and find a new kind of information and new kind of education that resonates with her calling. When someone asked who she was initially she would say she is a mother, writer, she is this and that, she would describe things that she does as her identity. Now she says she is first and foremost a soul that has been incarnated in an African woman's body.

She is born in a family of healers. She is a soul that has been sent on earth to make a difference in people's lives.

"Who Am I" by Mmatshilo Motsei

*I am Afraid.....
I fear Darkness.....
I fear Light
I fear Silence
I fear Life
I fear Death*

*I am a prisoner of my past, living
for tomorrow, as today goes by.
I invite you, to take a pick in my
mind as I journey into finding
Myself.*

Am I African?

South African?

Motswana?

I am I a woman? Am I?

Women's Day in pictures



Limpopo Office



Rights



Abroad

NHRIs and the 2030 Agenda

Heads of States will in September 2015 adopt the 2030 Agenda for Sustainable Development during the “2015 UN Summit for the adoption of the post-2015 development agenda”. This new 2030 Agenda which follows on from the Millennium Development Goals will shape sustainable development across the globe until 2030. The adoption of the 2030 Agenda will be an opportunity to adopt a more holistic approach to development which is hoped to build on the achievements of the Millennium Development Goals (MDGs), by making use of lessons learnt in their implementation and by addressing not only their gaps but also taking into account both new and emerging challenges.

National human rights institutions (NHRIs) established in accordance with the Principles Relating to the Status of National Institutions (Paris Principles) are uniquely placed to act as a bridge between stakeholders and ensure that national sustainable development processes and outcomes are planned, implemented and monitored in a participatory, transparent and accountable manner based on disaggregated human rights data. NHRIs can influence the national process of implementation and accountability to ensure human rights are integrated in the process of tailoring and tracking goals, targets and indicators nationally. The draft 2030 Agenda includes a set of 17 sustainable development goals (SDGs) underpinned by 169 targets. There are specific goals that relate directly to NHRI mandates. Goal 10 for instance speaks directly to reducing inequality and Goal 16 is one of the most important goals that speaks directly to the role that

NHRIs play in promoting peaceful and inclusive societies, promoting access to information and advocating for accountable and inclusive institutions.

The ICC will be hosting a conference only weeks after the adoption of the 2030 Agenda in Merida, Mexico. This will provide NHRIs with the opportunity to consider how to fully integrate the SDGs in their work, building on their experiences with the MDGs. The Conference will conclude with the adoption of the Merida Declaration on SDGs and a programme of action for the ICC working group on sustainable development goals.

For more information on the Conference and background documents go to <http://nhri.ohchr.org>

For more information on the SDGs go to: <https://sustainabledevelopment.un.org/>



The Global Child Forum on Southern Africa

The Global Child Forum on Southern Africa will be held in Pretoria, South Africa on 8 September 2015. The Forum will gather regional and international decision makers for dialogue and thought leadership on the legal, moral and commercial case for investing in coming gen-

erations. The event is by invitation only and will have a full cross-sector representation from the fifteen countries of Southern Africa. Approximately 500 leaders and top decision makers from governments, business, civil society and the academia will participate.

Amongst the confirmed speakers are

Her Excellency Dr. Nkosazana Dlamini Zuma, the Chairperson of the AU Commission

Mr. Mike Teke, President of the Chamber of Mines of South Africa

Dr. Benyam Dawit Mezmur, the Chairperson of the UN Committee on the Rights of the Child

Commissioner Janet Love, South African Human Rights Commission

Mail & Guardian Young 200

EILEEN CARTER

Senior Legal Officer, SAHRC



Championing equality and fighting for the rights of vulnerable groups are what drive Eileen Carter as a senior legal officer at the South African Human Rights Commission in Limpopo, where she investigates allegations of human rights violations.

With a master's degree (with distinction) in comparative child law, Carter spent the first two years of her career with the national department of justice and constitutional development, working in the chief directorate of vulnerable groups, focusing on children's rights.

In 2012, Carter represented the department at the International Expert Consultation to Address Harmful Practices against Children, in Addis Ababa, Ethiopia, where she delivered a presentation on the efficacy of South Africa's children's courts.

Since a teenager, Carter was determined to play a role in building

a society that would far removed from the abnormal and repulsive society she experienced under apartheid.


"We need to build a society where children are equal and not called names as a result of their race, or their disability; a society where we don't have authorities trying to convince our children to fear each other based on their differences.

"This realisation made me stick to the human rights discourse, as there is much work to be done. But we need all hands on deck, and that is why calling racism to order is so important."

Carter (31) faces an ongoing work

challenge: "Being a white woman representing largely rural black complainants, I have to work extra hard to gain the confidence of my clients in discrimination and racism matters. These are people who have suffered at the hands of people with skin colour similar to mine. However, once the trust is established, it is also my greatest victory against stereotyping."

Carter believes education is the most powerful weapon we have to change the world.

"We all need to learn more — more about our subject areas, more about ourselves, and more about each other."— Linda Duke 

Did you know?

The following ex and current employees have featured in the Mail & Guardian Young 200

Kayum Ahmed
Yuri Ramkissoo
Thandiwe Mathews
Busiso Moyo

In the Seat

with Eileen Carter
Senior Legal Officer, Limpopo

Tell us about Eileen in a nutshell?

I am a passionate, goal-oriented, fun-loving person who does not take myself too seriously.

Where were you born and how was it for you growing up?

I was born in Somerset-West in the Western Cape. My father was an engineer, so we had to move towards every dam and bridge that had to be built which made for quite a nomadic experience. It also taught me how to adapt quickly to new circumstances and situations. I completed my secondary schooling in Kimberley in the Northern Cape, where my parents still reside, and regard this as my hometown. I grew up with an older and younger brother, and was blessed with a loving family.

I was six years old in 1990 when the late President Nelson Mandela was released from prison. I recall attending a public school in a then, all-white primary school. I recall walking into my “sub-A” classroom and being showed plastic examples of bombs and other artillery, stuck onto khaki cardboards. We were told that we needed to be able to identify landmines, as our lives, as white children, were in danger. I recall walking back home from school, through recreational parks with swings, trying to see whether I can spot a landmine. We grew up in an unnatural and repulsive political



environment where children were taught to fear others, based solely on their skin colour. Luckily I was taught different values by my family, and understood the privileges I had as a white South African child.

Describe your position at the Commission and explain what it means to?

As a senior legal officer at the Commission, I assess, investigate and pursue allegations of human rights violations within the province. I have also pursued numerous complaints of hate speech, by representing complainants who have fallen victim to discriminatory utterances, through the Equality Courts within the Province. The Equality Courts are grossly underused in our country. Our people are not aware that

when you have been the victim of discrimination, that you can approach this court for assistance and redress. That is why the responsibility of representing complainants in these matters is important, as precedent is created on a very unexplored platform. Aside from the judgments delivered by the court in respect of monetary compensation, and ordering the respondents to apologise to complainants for hurtful words uttered, the most valuable outcome of these matters are the awareness it creates amongst possible future transgressors. It also motivates victims to call their abusers to order, and shows them that you are empowered to do so. Conciliation and mediation is also key in my daily work.

Day outside office?

I am in the final stages of my Doctorate and will be submitting my thesis for examination in early September. Hence, currently, and for the past four (4) years, extra time and weekends have been dedicated to research and drafting! Nevertheless, I am no martyr, and enjoy spending time with my husband, travelling, going to dinner, cooking, and making music. He is an architect and musician and inspires me creatively.

What motivates and inspires you?

My family inspires me, as well as women in leadership positions, changing the lives of their families and communities.

Continues to next page



Favourite activities?

Travelling. I love to travel and immerse myself into new environments. Travelling gives you perspective, and makes you thankful for what you have.

Any interesting thing that people don't know about you?

I am a closet musician! I used to manage bands and arranged for charity shows, such as Christmas carols at maximum security prisons, or fund raising for orphanages. Currently, when I have the opportunity, I do recordings of songs for a company in Cape Town, which are then sold onwards to artists.

Your favourite quotation is?

Education is the most powerful weapon which you can use to change the world - Nelson Mandela

My favourite Book, music, chill out place etc

Book: Man's Search for Meaning: Viktor Frankl, as well as anything written by John Grisham, Sydney Sheldon and Robin Cook.

Music: I love all music, but the most epic album which I will adore forever is the soundtrack of Into the Wild, composed by Eddie Vedder.

Favourite place: I once had an opportunity to visit the birthplace of Leonardo Da Vinci. It was nestled in between olive trees in the mountains of Tuscany. It was a cold day, but with a bright sky. It was a pro-



Eileen with assisting with Vocals for a friend's band during a Kyknet recording

I am a closet musician! I used to manage bands and arranged for charity shows

found experience. Other than that, the red sand of the Northern Cape stole my heart a long time ago.

What does being included as one of the Mail & Guardian's most influential 200 Young South Africans mean to you

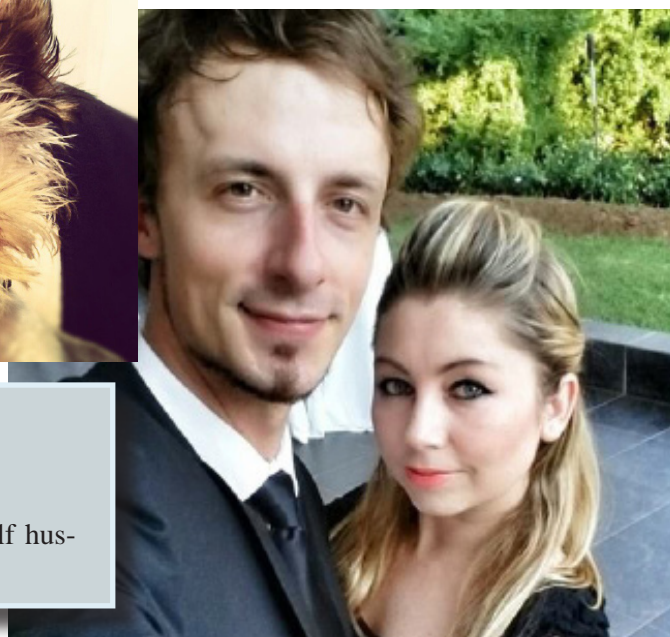
this year mean to you

I am humbled to be featured in the M&G, but mostly inspired by what other young people are doing to contribute to the lives of others. The inclusion in the top 200 list has moved me to only work harder, with whatever tools I have in my possession, at making sure the work that we do at the Commission is felt by the people on the ground. We have a responsibility to change and better the lives of others, and we cannot shy away from that.



CAPTION

Top: Her dog Pixel
Rights: With better half husband Paul



Meet the Head of Advocacy & Communication Programme

Ms Dieketseng Diale

Dieketseng (Tseng) is known for building high-performing organisations, through solutions that breathe new life to institutions. She has been quite successful in putting organisational strategies on a map and notably in linking these strategies to organisational structures and further to performance tools. She believes that she will complement our organisation, the South African Human Rights Commission (SAHRC) – since she subscribes to a mission statement that says – “To become a strategic partner of choice in breathing new life to organisations by helping them to reach high performance indices”.

In her work experience of over 16 years serving both the civil and private sectors as a consultant and a permanent employee in the civil service she brings a great wealth of valuable experience into our organization, the SAHRC. She was more occupied with the advocacy role in ensuring that the transformation agenda of our country is implemented throughout government programmes. The highlights of her career, include successfully leading the transformation unit, mainstreaming children, youth, women and disability programmes within the core functions of her department. In her leadership role she managed to lobby for women in housing contractors to participate in the housing development programme, championed by the current Minister of International Relations, Ms Maite Nkoana-Mashabane in the 2007/08 financial year. Dieketseng not only concerned herself with women issues; she modelled the youth in housing debut



programme, wherein 100 youth in Limpopo were mainstreamed in the construction of houses and that became a model project for the country.

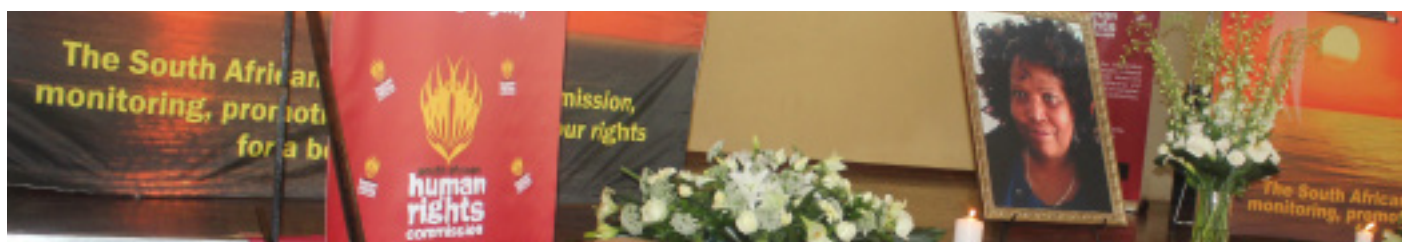
She also enabled her previous employer, the Limpopo Department of Cooperative Governance and Human Settlements, to receive over 30 service excellence awards whilst serving as Chief Information Officer (CIO) and departmental spokesperson, from 2010 to 2013. Some of these awards have been recognised by the Centre of Public Service Innovation – the Housing Call Centre a fist for the Limpopo Government back in 2007 and it is still functional. Including an award from the Southern African Institute of Auditors. This is credit to her ability to successfully deploy Information Technology systems for the efficacy of government. She successfully contributed to and championed the launching of ground breaking outreach campaigns like “Limpopo Convoy”; “My Home My Pride”; “My Councillor & I”; 16 Houses for 16 Families.

Tseng, an entrepreneurial enthusiast with extensive experience in both the public and private sectors

she has the capacity to take organisations into new frontiers. Deeply passionate about women and children empowerment including her own personal development she has completed the MBL degree (course work); enhancing the teams’ capabilities with her strategic management experience.

Ms Diale a qualified diamond polisher, has campaigned various women empowerment deals in several sectors including the mining sector and continues to bridge the divide within various industries. She has held senior management roles in government and was involved in developing and spearheading the implementation of transformational strategies including in the built environment. Ms Diale further held a secretariat role for the Non-Governmental Organisation called the Progressive Women’s Movement of South Africa (PWMSA) Limpopo Chapter from 2007 to 2010; and thus contributed to the establishment of the Women Ministry. She is a founder member of FoundSure an empowerment platform for young married couples and co-habituees geared to develop family units and children – a true Human Rights Activist she is!

She is a key speaker at women development seminars aimed at inspiring women from all walks of life to unleash their potential and contribute to the economy of South Africa. She has spoken across industries, Faith-Based Organisations, Non-Governmental Organisations and Government organisations all over the country for the past 10 years on the subjects of employee commitment, workforce trends, and leadership.



Celebrate the life of Sis Nobantu Sobekwa



The Commission celebrated in memory of one of its most valuable employees Nobantu Sobekwa after her struggle with illness. Nobantu served more than 15 years at the Commission and passed on holding her current position of a Senior Accountant in the SAHRC's Finance department.

As the CEO Lindiwe Khumalo put it bluntly, "She died with her boots on" here in the office. She was a remarkable woman who was an employee, a mother, a grandmother, a sister, a daughter and will be missed and always remembered for her good deeds.

Colleagues described her as a mother to all who loved everybody and a dedicated hard worker who needed no supervision to do her work. Close friends and families also described her as a remarkable woman who always had love for everyone, has always been a helping hand in their lives and always listened

NOBANTU: A FALLEN SOLDIER

Tributes from past and current colleagues

attentively to their problems, and lended a helping hand where she could.

“Nobantu was a mother and a friend whom I always shared my lunch with in her office though I was her line manager, I will always treasure the advice and the moments we shared together, the Finance Unit has lost one of its most dedicated and hardworking employer, Rest in Peace and you will forever be remembered,” said Masaswivona Nhlungwana.

“I remember Nobantu as a woman with a warm heart who always believed in God and put her whole trust in God, although she was a single parent who loved her children dearly, you would never tell that she doesn’t have a helping hand at home. She was also a fully dedicated NEHAWU comrade who fully supported the rights of workers,” Nobesuthu Cekiso.

“Nobantu was my mother at the Commission who taught me a lot, she welcomed me at the Commission and taught me a lot that I will forever cherish and will take with wherever I go.” Michael Lefakane
“I lost a friend, a colleague, we spoke about almost everything, and even my kids at home thought I was going to make her my second the way our friendship brought us close to each other.” Said Rhulani Khuvutlu

SAHRC CEO Lindiwe Khumalo in her closing remarks described Nobantu as a dedicated employee who goes beyond the call of duty and sympathised on how she passed on at the office. “Nobantu was a woman of confidence and I salute her for her bravery and dedication for her work until the last day”. She said

God knew you before you were born, that you will be a caring and helpful sister to all his people. You were a mother, sister, friend, a mentor, a rock and pillar of strength!

The Lord blessed us with you and we don’t mourn without hope because we know you are with our Father, in a better place, a place without pain, no sorrow and all the cares of this world!

We mourn you our beloved because we will miss you.

May the Lord comfort, hold together, provide and be a very present help to the family friends and colleagues.

Rest in Peace Magasela

By Nobesuthu Cekiso

I am deeply shocked and saddened by Nobantu’s untimely passing. Please offer my condolences to her family, friends and colleagues at the Commission.

By Kayum Ahmed

This is quite a tragedy not easy to handle except through the extra power from the almighty. My deepest condolences and prayers goes to her family, the Commission staff members and her friends during this trying time. She will be dearly missed. May her soul rest in perfect Peace!

Alwehlanga lungehlanga!

Kufa awunamahloni!

Kufa awunoni!

Kanti kumele kufe bani kuze kufa ufe? It is ENOUGH!

Hlengiwe Mkhize

We extend our most sincere condolence to you, we are deeply saddened by the loss of Nobantu.

A person that departs from this earth never truly leaves, for they are still alive in our hearts and minds, through us they live on, despite the loss of the physical presence of her we know that God has assigned her to watch over your throughout your lie.

May our Lord bless and comfort the family of Sobekwa during the time of grief.

FROM: HUMAN RIGHTS COMMISSION –NC STAFF

Our Constitution is in actual operation and everything appears to promise that it will last, but in this world nothing is certain but DEATH and Taxes.

I announce the great individual, fluid as nature, chaste, affectionate, compassionate, fully-armed, I announce a life that shall be copious, vehement, spiritual, bold and I announce an end that shall lightly and joyfully meet its translation.

I see unsuspected, well-beloved and saying to the people: "Do not weep for me, this is not my

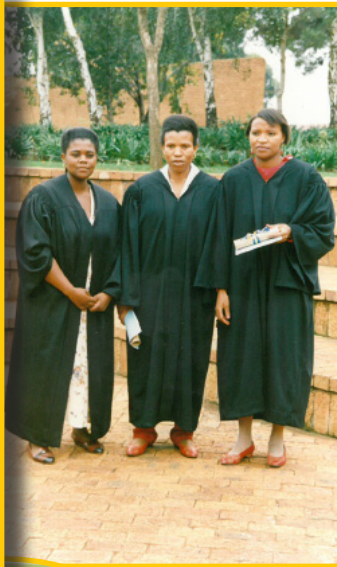
true country, I have lived banished from my true country — I now go back there, I return to the celestial sphere where everyone goes in his turn."

O Captain! My Captain! Our fearful trip is done! The ship has weathered every wrack, the prize we sought is won, the port is near, the bells I hear, the people all exulting.

Ulale ngoxolo wethu, my friend, sister, colleague, skeem saam: Nobantu "Masechaba" Sobekwa

Ruth "Nomfezeko" Diane

Nobantu in pictures



Opinion

Thuli's call for protection shouldn't be ignored

By Nompumelelo Runji, Aug 08, 2015, Sowetan

Chapter 9 of the constitution covers state institutions supporting democracy.

The public protector should be the most well known of these by now. The public protector is famous and, in some quarters, infamous for her finding that President Jacob Zuma should pay back a portion of money spent on non-security elements installed at his private home in Nkandla.

Her findings have been contradicted by an ad-hoc committee of parliament as well as Minister of Police Nathi Nhleko's self-appointed investigation.

The Nkandla scandal has morphed. It is no longer just about a vehemently stubborn president that refuses to accept any responsibility for what was done in his own compound.

It has become a constitutional matter that involves questions about the powers of the public protector and has shaken the foundations of the separation of powers.

It is unheard of for the executive to seek to exercise oversight over itself and for that to be welcomed as an acceptable occurrence in our

constitutional democracy.

Unfortunately, it has become a norm for parliament to be a rubber stamp for executive action.

Opposition parties have tried in vain to protect the public protector and to defend the integrity of her Nkandla report in the ongoing new ad-hoc committee on Nkandla.

As the governing party has worked tirelessly to discredit her report, it has managed to discredit the entire system of Chapter 9 institutions. Such a public and blatant contradiction of the public protector's findings is unprecedented and undermines constitutional democracy.

And so Thuli Madonsela and her team saw fit to speak out against this unbecoming behaviour by the very government enjoined to uphold the constitution.

ANC parliamentary chief whip Stone Sizane characterised her actions and utterance as mere political posturing. He is wrong.

The record has to be set straight about the value and important place of Chapter 9 institutions in the preservation and improvement of the quality of our democracy.

And so the question arises: why did our forbears see it fit to provide for such institutions?

Attaining government office comes with immense power. With that power, comes great responsibility.

Being a country in transition with no historical experience of a democratic political culture, those who masterminded our constitution understood that leaders in government could be tempted to misappropriate their power.

Should the positive tension between the different arms of government created by the separation of powers fail to deter government from abusing their control of the state the public has recourse in Chapter 9 institutions, in particular the public protector.

The constitution states that these institutions are independent. They are answerable only to the constitution and the law. No one is to interfere in the execution of their functions.

This is important because they are to be above partisan interests. They exist for the defence of democracy and the protection of the public interest. They are not instruments in the hands of the government, to ratify its whims.

Acting outside its mandate, the executive arm of government - the president, ministers and other political principals at provincial and local levels - can prejudice the public by being reckless and irresponsible in the work of ensuring the public good. They can cause undue suffering by neglecting to fulfil the promises they made to the poor and vulnerable. And they can jeopardise the socioeconomic prospects of the nation by mismanaging state resources.

Social and economic disparities that exist in our society mean that a large number of citizens do not have the funds to take government and its officials to court to get redress for a miscarriage of justice. It is no secret that getting the best legal counsel to fight one's case is expensive. Hence there is a perception that justice is only for the rich.

The authors of our constitution were mindful of this as well. As such, members of the public can approach Chapter 9 institutions with their grievances and charges against government at no cost. And they can expect that their complaints will be given due consideration. Their matters will be investigated and government and any state in-

stitution found to have overstepped will be dealt with.

Although ideally parliament is elected to represent the people, it is possible for narrow partisan interests to supersede the concerns of the people.

The current parliament epitomises this. It is an arena pervaded by factional posturing with the majority party, the ANC, often facing off with the rest of the house made up of an increasingly cacophonous opposition.

Undertaking oversight over the executive has proven difficult and discordant under these circumstances. As such the aspirations and demands of the people have fallen by

the wayside.

One would not be faulted for thinking that the fathers of our democracy had clairvoyant powers. Perhaps having foreseen such a scenario of a parliament that would be so engrossed in toeing party lines they inserted a safeguard for the public voice and democracy in the form of Chapter 9 institutions.

Chapter 9 institutions typify sobriety in a political atmosphere permeated by drunkenness.

Madonsela's call for the public to protect the public protector - and by extension other Chapter 9 institutions - should be considered against this backdrop. **Source: Timeslive**

Snippets

'Miracles' to be probed - pastors and healers come under scrutiny

By Sibongile Mashaba, Aug 22, 2015

Rogue pastors who use religion to make money and dodgy healers who swindle people through promises of magic are in trouble.

The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities yesterday launched an investigation into these dodgy practices following recent reports of "snake-eating" at a Tshwane church.

The commission said the investigation will focus on the abuse and exploitation of people's beliefs by some churches.

Commission head Thoko Mkhwanazi-Xaluva said the commission had received complaints against Penuel Mnguni and his church in Soshanguve, where congregants were also made to eat rats and human hair.

Though prompted by Mnguni's acts, the investigative study would look at all religions in the country.

"Back in the day, one would go to church to worship, pray and then go home. Now, churches sell water, T-shirts and mealie meal. Why is that?" asked Mkhwanazi-Xaluva.

"The shopping that happens is a worrying phenomenon. How big is the industry; who and how is it managed?"

She was quick to point out that the investigation would not be targeting anyone in particular. She said as a Chapter 9 institution, the commission was in a position to issue summons which police would enforce.

"People will be arrested. The law needs to take its course. I mean if a pastor has 50 cars parked in his yard and lives in a mansion, we need to know where the funding comes from and where it is going.

"We need to know if these institutions should be regulated and if so, how. In fact, we should be going to government to ask about these things. Government should know who operated what and where."

500,000 disabled students edged out of South African schools, report shows

While South African government officials crow about their success in meeting the Millennium Development Goal of universal access to primary education, more than a half million disabled children are shut out and receive no education, according to a Human Rights Watch report.

“The current system is ad hoc and expensive, and isolates children with disabilities from other learners,” said Elin Martínez, children’s rights researcher at Human Rights Watch, and author of *Complicit in Exclusion: South Africa’s Failure to Guarantee Inclusive Education for Children with Disabilities*. “As a result, the government is failing hundreds of thousands of children with disabilities, violating its own policies and laws.”

Among the findings: schools flat-out reject certain disabilities; schools say they can’t accommodate disabilities; schools charge higher fees to accommodate disabilities; stu-

dents are abused; and overall education is poor. As a result, children can’t access vital skills that would help them find education and jobs as they get older.

Martínez and her team interviewed 135 people across five of South Africa’s nine provinces. A woman named Thandi, from Kwa-Ngwanase, told interviewers that her 8-year-old son Qinisela is not in school because the local school cannot accommodate him. Her story is similar to others in the report – schools will not take children with Down syndrome because of behavioral issues.

Source: Humanosphere

Happy Birthday

The following colleagues are celebrating their birthdays in September. Please join us in wishing them well.

Deliah Mabhlalela (HO) 01st Nomathansanga Manamela (HO) 04th Allan Tumbo (HO) 07th

Thabani Mfusi (HO) & Brandon Ainslie (EC) 08th

Nokwanda Molefe (HO) 11th Thato Maboe (HO) 14th Mahlatse Ngoveni (LMP) 19th

Mandy Mashela (HO) 20th Padayachee Mewalall 21st

Norllen Pitjadi (HO) 22nd Matimba Ndlovu (HO) & Mokgadi Nyuswa (HO) 23rd

Tsepang Sebelela (HO) 24th Rulani Khuvutlu (HO) 29th Yolokazi Mvovo (EC) 30th

Resignations

Nokwanda Molefe – PAIA Compliance Officer
Motshabi Moemise – Human Rights Advocacy Officer, HO
Annabelle Ratshivhombela – PAIA Research Associate

New Employees

– Ntombomzi Klaas – Human Rights Advocacy and Research Officer, EC
– Adv Lufuzo Yona – Intake Officer, EC
– Michelle Wasserman – Legal Consultant, FS
– Patrick Maluleke – Accountant, HO